

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

PABLO G. CABRERA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-899-HE
)	
JOHN T. MORTON, Director,)	
Bureau of Immigration and)	
Customs Enforcement (ICE),)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Mr. Pablo Cabrera has filed a civil complaint and moved for leave to proceed *in forma pauperis*. The motion indicates that Mr. Cabrera has \$177.81 in his draw account and \$337.86 in his savings account, and the filing fee is only \$350.00.¹ Because Mr. Cabrera has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the motion for leave to proceed *in forma pauperis*, (2) order payment of the filing fee within 21 days,² and (3) dismiss the action without prejudice if Mr. Cabrera fails to timely pay the filing fee or show good cause for the failure to do so.³

¹ See 28 U.S.C. § 1914(a) (2006).

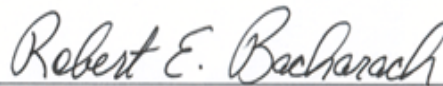
² See W.D. Okla. LCvR 3.3(e).

³ See W.D. Okla. LCvR 3.3(e); *see also Cosby v. Meadors*, 351 F.3d 1324 (10th Cir. 2003) (upholding dismissal of a federal inmate's civil rights complaint based on noncompliance with orders requiring installments on the filing fee or to show cause for the failure to pay).

The Plaintiff is advised of his right to object to this report and recommendation by September 7, 2012.⁴ If Mr. Cabrera does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Plaintiff is further advised that if he does not timely object, he would waive his right to appellate review over a denial of pauper status in the district court.⁵

This report terminates the referral.

Entered this 21st day of August, 2012.

A handwritten signature in cursive script, reading "Robert E. Bacharach", written in black ink.

Robert E. Bacharach
United States Magistrate Judge

⁴ See 28 U.S.C.A. § 636(b)(1) (2010 supp.); Fed. R. Civ. P. 6(d), 72(b)(2).

⁵ See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).